UNITED STATES PATENT AND TRADEMARK OFFICE

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10/045,989	01/11/2002	Amreesh Agrawal	NAI1P067/01.266.01	1427

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 September 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,7,9-11,17,19-23 and 25-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,7,9-11,17,19-23 and 25-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to the Request for Continued Examination filed September 16,

2008. Claims 1, 7, 9-11, 17, 19-23 and 25-32 are pending. Claims 1, 7, 9-11, 17, 19-23 and 25-

32 represent method and apparatus for reporting and analyzing network performance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 7, 9-11, 17, 19-23 and 25-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Muret et al. US Patent No. 6,792,458. Muret et al. teaches the invention as

claimed including a method for monitoring and analyzing Internet Traffic and reporting the data

(see abstract).

2.   As per claim 1, Muret et al. teaches a method for user-configured network analysis

reporting, comprising:

        (a) identifying a plurality of templates provided based on user input [reports are delivered

upon request; column 1, lines 65; Visitor Centric Data Modeling; column 4, lines 40-65; user

sends report request; column 5, lines 61-65; user requests a report; column 19, lines 27-39;

Figure 17];

(b) querying a database for network traffic information based on the identified templates

[analyzing and monitoring internet traffic and a relational database; column 2, lines 16-50; hash

table in database; column 5, lines 17-55; obtain data; column 5, lines 64; querying the database;

column 13, lines 36-60; Figure 8; Column 14, lines 57-61 and Figure 10; column 15, lines 51-61

and Figure 12; column 18, lines 10-26 and Figure 15; column 19, lines 10-12];

(c) populating the templates with the network traffic information [produce reports;

column 2, lines 8-15; column 15, lines 1-60; column 18, lines 29-60; Figure 16]; and

(d) reporting the network traffic information over a network utilizing the populated

templates [report engine that generates reports; column 2, lines 21; generate and deliver report;

column 5, lines 65-66; Figure 2; column 18, lines 29-60; column 19, lines 1-7];

wherein the reporting includes displaying a graphical user interface reflecting the

populated templates [CGI column 19, lines 1-7];

wherein the templates are generated based on a plurality of user-configured parameters

including network portions to be reported, a format of reporting, or a time period, where the

traffic information comes from, what type of traffic information is used, and to what location the

network traffic information is written [templates...allows for easy customization of the reporting

format; column 19, lines 1-15; list of parameters; column 19, lines 29-55; column 21, lines 1-35;

system reports; column 26, lines 34-67];

wherein the templates include templates of a first type and templates of a second type

(column 19, lines 1-15; types of templates; column 19, lines 29-55; Figure 16 and 17);

wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (templates...allows for easy customization of the reporting format - column 19, lines 1-19; format output module; column 20, lines 31-60; Figure 20; traffic reporting column 21, lines 40-67; e-commerce reporting; column 25, lines 24-67).

As per claim 7, Muret et al. teaches the method as recited in claim 1, wherein the templates of the first type and the templates of the second type differ with respect to a versatility thereof (different templates are available to the user; real time reporting column 21, lines 1-15; column 21, lines 1-65, and static reporting; column 26, lines 34-64; Figures 28).

As per claim 9, Muret et al. teaches the method as recited in claim 1, wherein the templates of the first type are populated with the network traffic information utilizing a first module (information used to fill reports can be traffic information which is real time or static; column 19, lines 1-19; column 20, lines 31-60; column 21, lines 40-67).

As per claim 10, Muret et al. teaches the method as recited in claim 1, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (information used to fill reports can be e-commerce information ; 25, lines 24-67).

3.   Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

As per claim 22, Muret et al. teaches a method for user-configured network analysis reporting, comprising:

(a) determining whether a network analysis reporting system is operating in a report mode or edit mode [format output module; column 20, lines 31-67; Figure 20];

(b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates [column 20, lines 11-29; Figure 19];

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input [the end user can control elements that affect variables...column 21, lines 5-15; user can look at previous data, stop and freeze the graph or continue with current data; column 21, lines 55-60];

(d) querying a database for network traffic information [analyzing and monitoring internet traffic and a relational database; column 2, lines 16-50; hash table in database; column 5, lines 17-55; obtain data; column 5, lines 64; querying the database; column 13, lines 36-60; Figure 8; Column 14, lines 57-61 and Figure 10; column 15, lines 51-61 and Figure 12; column 18, lines 10-26 and Figure 15];

(e) populating the templates with the network traffic information [produce reports; column 2, lines 8-15; column 15, lines 1-60; column 18, lines 29-60; Figure 16]; and

(f) reporting the network traffic information over a network utilizing the populated templates [report engine that generates reports; column 2, lines 21; generate and deliver report; column 5, lines 65-66; Figure 2; column 18, lines 29-60; column 19, lines 1-7];

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [CGI column 19, lines 1-7];

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period[templates...allows for easy customization of the reporting format; column 19, lines 1-15; list of parameters; column 19, lines 29-55; column 21, lines 1-35; system reports; column 26, lines 34-67];

wherein the templates include templates of a first type and templates of a second type (column 19, lines 1-15; types of templates; column 19, lines 29-55; Figure 16 and 17);

wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (templates...allows for easy customization of the reporting format - column 19, lines 1-19; format output module; column 20, lines 31-60; Figure 20; traffic reporting column 21, lines 40-67; e-commerce reporting; column 25, lines 24-67).

As per claim 23, Muret et al. teaches a method for user-configured network analysis reporting, comprising:

(a) displaying an interface (CGI column 19, lines 1-7);

(b) determining whether the interface is operating in a report mode or edit mode [format output module; column 20, lines 31-67; Figure 20; column 20, lines 11-29; Figure 19]

(c) if the interface is operating in the edit mode (interactive reporting; column 20, lines 45-60):

(i) receiving input from a user (access report engine; column 20, lines 65-67);

(ii) generating a parameter file based on the input;

(iii) validating the parameter file; and

(iv) storing the parameter file; and

(d) if the interface is operating in the report mode (reporting engine; column 18, lines 29-

65):

(i) identifying a user (authenticate user; column 18, lines 60-64);

(ii) locating a parameter file (data modeling and Log files; column 12, lines 19-

60; e commerce Log files column 25, lines 24-67) ; and

(iii) generating a report based on the parameter file by:

1) identifying templates in the parameter file (template dictionary; column

18, lines 45-57);

2) retrieving templates of a first type from a first module (column 12, lines

45-60; data modeling and Log files; column 12, lines 19-60);

3) retrieving templates of a second type from a second module (e

commerce Log files column 25, lines 24-67);

4)querying a database [analyzing and monitoring internet traffic and a relational

database; column 2, lines 16-50; hash table in database; column 5, lines 17-55; obtain data;

column 5, lines 64; querying the database; column 13, lines 36-60; Figure 8; Column 14, lines

57-61 and Figure 10; column 15, lines 51-61 and Figure 12; column 18, lines 10-26 and Figure

15]; and

6) populating the templates utilizing network traffic information retrieved in response to

the querying [produce reports; column 2, lines 8-15; column 15, lines 1-60; column 18, lines 29-

60; Figure 16];

(iv) displaying the populated templates [CGI column 19, lines 1-7];

wherein the templates are generated based on a plurality of user-configured parameters selected

from the group consisting of network portions to be reported, a format of reporting, or a time

period[templates...allows for easy customization of the reporting format; column 19, lines 1-15;

list of parameters; column 19, lines 29-55; column 21, lines 1-35; system reports; column 26,

lines 34-67];

wherein the templates include templates of a first type and templates of a second type

(column 19, lines 1-15; types of templates; column 19, lines 29-55; Figure 16 and 17);

wherein the templates of the first type and the templates of the second type differ with

respect to a format thereof (templates...allows for easy customization of the reporting format -

column 19, lines 1-19; format output module; column 20, lines 31-60; Figure 20; traffic reporting

column 21, lines 40-67; e-commerce reporting; column 25, lines 24-67).

As per claim 25, Muret et al. teaches the method as recited in claim 1 wherein the

reporting includes a graph displaying error segments for a predetermined period of time (Figure

22; status/error report column 33, line 24-26).

As per claim 26, Muret et al. teaches the method as recited in claim 1 wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time (Figure 22; top servers report; column 33, line 24-26).

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As per claim 27, Muret et al. teaches the method as recited in claim 1 wherein a plurality of monitoring agents are utilized to monitor the network traffic information (visitor centric data modeling logs; e-commerce logs; Figure 1; column 7, lines 55-67).

As per claim 28, Muret et al. teaches the method as recited in claim 27 wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database (logs written to database; Figure 1; column 8, lines 1-41).

As per claim 29, Muret et al. teaches the method as recited in claim 28 wherein the database is populated according to a minute time interval (column 31, lines 20-31).

As per claim 30, Muret et al. teaches the method as recited in claim 1 wherein the templates specify a manner in which the network traffic information is extracted from the database and a manner in which the network traffic information is reported information used to fill reports (column 19, lines 30-45; data query module; column 20, lines 14-61).

As per claim 31, Muret teaches the method as recited in claim 1, wherein the user-configured parameters are validated (authentication module; column 19, lines 55-67; column 20, lines 1-10; Figure 18)

As per claim 32, Muret teaches the method as recited in claim. 1, wherein the parameters are used for looping (column 16, lines 31-51).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.   Wolf et al. US Patent No. 6,278,694 teaches a method for collecting and reporting monitored data for network traffic.

6.   Rakoshitz et al. US Patent No. 6,578,077 teaches a method for monitoring quality of service within a network or computers.

7.   Jackson US Patent No. 5,894,311 teaches a method for visual data evaluation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UZMA ALAM whose telephone number is (571)272-3995.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. A./
Examiner, Art Unit 2457
Uzma Alam
December 15, 2008

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